

THE HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KRISITIN BAIN,

Plaintiff,

v.

METROPOLITAN MORTGAGE GROUP,  
INC.; INDYMAC BANK, FSB; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS;  
REGIONAL TRUSTEE SERVICE; LENDER  
PROCESSING SERVICES, INC.; and Doe  
Defendants 1 through 20, inclusive,

Defendants.

CAUSE NO. 2:09-CV-00149-JCC

**SURREPLY OF DEFENDANT  
FEDERAL DEPOSIT INSURANCE  
CORP.'S MOTION FOR  
SUMMARY JUDGMENT UNDER  
FED. R. CIV.P. 56.**

In the Supplemental Declaration of Melissa Huelsman filed in this matter she states at paragraph 3 that "I did not receive this information [the names of the current servicer and investor of the Bell loan] until two business days after her response was due. This statement is in fact untrue. Plaintiff was advised on April 29, 2009, in the Motion of the FDIC to Substitute as Receiver for IndyMac Bank on page 2, footnote 1, that "The loan at issue is not owned by the FDIC-Receiver, but is being serviced by OneWest Bank, FSB and is currently

1 owned by Deutsche Bank.” Plaintiff’s inference that the FDIC or any other party withheld  
2 information from her is thus wholly inaccurate.  
3

4 DATED this 14<sup>TH</sup> DAY OF MAY, 2010  
5

6 DAVIES LAW GROUP  
7  
8

9 /S/ Douglas L. Davies  
10 Douglas L. Davies WSBA #16750  
11 Columbia Tower  
12 701 5th Avenue, Suite 4200  
13 Seattle, WA 98104  
14 Telephone: (206) 262-8050

15 Attorney for Federal Deposit Insurance  
16 Corporation and Mortgage Electronic  
17 Registration Systems  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## DECLARATION OF SERVICE

I, Krista Davis, declare that I am a citizen of the United States of America and a resident of the State of Washington. I am over the age of twenty one years and not a party to this action. I am competent to be a witness herein. I electronically filed the **SURREPLY OF DEFENDANT FEDERAL DEPOSIT INSURANCE CORP.'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT UNDER FED. R. CIV.P. 56.** with the Clerk of the Court using the CM/ECF System who will send notification of such filing to the following parties who have appeared in this action as of today's date:

Melissa A Huelsman  
705 SECOND AVE, STE 1050  
SEATTLE, WA 98104  
Email: [mhuelsman@predatorylendinglaw.com](mailto:mhuelsman@predatorylendinglaw.com)  
**Attorney for Plaintiff**

Jennifer L Tait  
Nicolas A Daluiso  
ROBINSON & TAIT PS  
710 SECOND AVENUE, STE 710  
SEATTLE, WA 98104  
Email: [jtait@robinsontait.com](mailto:jtait@robinsontait.com)  
Email: [ndaluiso@robinsontait.com](mailto:ndaluiso@robinsontait.com)  
Attorneys for **Regional Trustee Services Corporation**

by the following indicated method(s) below:

\_\_\_\_\_ by **mailing** a true and correct copy thereof in a sealed, first-class postage-paid envelope, and addressed to the recipient(s) as shown above and deposited with the United States Postal Service on the date set forth below.

\_\_\_\_\_ by **faxing** a true and correct copy thereof, addressed to the recipients as shown above, to the facsimile number of the attorney on the date set forth below.

\_\_\_\_\_ By causing a true and correct copy thereof to be **hand-delivered** to the recipient(s) at the last known address listed above on the date set forth below.

\_\_\_\_\_ by sending a true and correct copy thereof via **overnight courier** in a sealed, prepaid envelope, addressed to the recipient(s) above, on the date set forth below.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

/s/ Krista Davis  
Krista Davis